

BEFORE THE INDIANA STATE
BOARD OF NURSING
CAUSE NO: 2014 NB 024

IN THE MATTER OF:

INDIANA DABNEY UNIVERSITY
RN PROGRAM

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FILED

JUL 11 2014

Indiana Professional
Licensing Agency

**FINDINGS OF FACT, ULTIMATE FACT, CONCLUSIONS OF LAW AND
ORDER**

The Indiana State Board of Nursing ("Board") conducted an administrative hearing on February 20, 2014, in the Auditorium of the Conference Center, Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana concerning the accreditation of the Indiana Dabney University ("IDU") Registered Nursing Program. IDU appeared by its Chief Executive Officer, Corey Dabney, and waived its right to be represented by counsel. At the conclusion of the hearing on February 20, 2014, the board voted to withdraw the accreditation of IDU's nursing program. After the hearing, staff and counsel to the Board undertook to memorialize the decision in writing and issue the document as the Board's final order.

On March 24, 2014, Mark Palmer of Taft, Stettinius and Hollister entered an appearance for IDU and petitioned the Board to delay the issuance of the written order and re-docket the case so that IDU could submit additional evidence and arguments. In consideration of the request, the Board rescheduled the hearing for April 17, 2014. After a pre-hearing conference on April 16, 2014, IDU asked the Board to continue the hearing to the Board's next regular meeting on May 15, 2014 and the Board granted that request. IDU and the Board discussed the possibility settling this matter at the meeting of May 15,

2014, but did not reach a final accord at that time. A possible final resolution was to be discussed at the meeting of June 19, 2014, but IDU concluded that further discussions would not be fruitful. In a letter dated June 12, 2014, counsel for IDU informed counsel for the Board of the following.

Therefore, by this letter, my client [Corey Dabney] is withdrawing his approval of the proposed settlement as well as his intention to present further evidence to the Board. He requests that the Board issue its Final Order in this matter based upon its hearing of February 20, 2014.

The Board, therefore, after considering the evidence presented on February 20, 2014 and taking official notice of its file in this matter, by a vote of 8 to 0, issues the following Findings of Fact, Ultimate Fact, Conclusions of Law and Order:

FINDINGS OF FACT

A. BACKGROUND

1. Indiana Dabney University is an educational institution that offers an associate of science degree in nursing ("ASN"). It is located at 5217 South Hohman Avenue, Hammond, Indiana 46320.
2. Under the authority of 848 IAC 1-2-5(d) the Board conducted a hearing on February 20, 2014, to determine if IDU's accreditation should be withdrawn or that other requirements be imposed on the school's operation.
3. During the hearing the Board considered the survey reports from site visits of June 2013 and November 2013. It also reviewed the responses to those surveys submitted by Mr. Dabney.

4. The Board heard testimony from the site visitors (Board members Lynda Narwold, R.N. and Karen Dolk, R.N.). It also took testimony from the representatives of IDU: Corey Dabney, Chief Executive Officer of IDU, faculty members Geneva Epps, R.N. and Evelyn Bibbs, R.N., and consultant Sue Roe, R.N.

5. The Board surveys and accredits nursing education programs under the authority of Ind. Code § 25-23-1-7 and issued an initial accreditation to IDU in 2008.

6. Since IDU started its nursing program, the pass rates for its graduates on the National Council Licensure Examination for Registered Nurses ("NCLEX")¹ have been consistently low. In 2008 the pass rate was 40% and in 2009 it was 43.48%. In 2010 it dropped back to 42.9% and in 2011 went up to 45%. **Report of the June 2013 site visit page 22.**

7. One of the benchmarks for measuring the effectiveness of a nursing program is scrutinizing the pass rate of the graduates on NCLEX. "If a program's annual rate of successful completion of the NCLEX is lower than one (1) standard deviation below the average national pass rate for first time U.S. educated and U.S. territory candidates for three (3) consecutive years, the program shall submit a report to the board . . . " 848 IAC 1-2-5(b).

8. Since 2008 the average national pass rate for first time U.S. educated candidates for NCLEX has been approximately 80%. **Testimony of Narwold, p. 23-24.**

9. The Board approved a plan of correction for IDU in December 2011 which had a stated goal of an 80% pass rate for its graduates. **Plan of Action Statement to Increase NCLEX Pass Rate dated December 2011.**

¹ NCLEX is a national standardized qualifying exam administered to all registered nursing school graduates.

10. Since the approval, however, the pass rates dropped to 24.2% in 2012 and 32% for 2013. **Report of the June 2013 site visit page 22.**

11. At the time of the February hearing, IDU had 60 students. Total costs to each student for the program are \$33,022.00 (tuition and fees). **Letter from Corey Dabney to Lynda Narwold, R.N. dated December 4, 2013. Enclosed Academic Catalog page 54.**

B. JUNE 2013 SITE VISIT

12. The Board sent a site visitor, Board member Lynda Narwold, R.N., to the IDU campus to assess their program in June 2013. She prepared a report and made the following observations about admissions.

Admission criteria published in the catalog and student handbook.

Admission is based on a numerical scale with 180 possible points.

Completed Application = 10 points

PAX (entrance exam) = 60 max on a sliding scale based on 200 possible score on exam,

GPA = 30 max based on sliding scale based on 4.0

Interview = 50 (All 14 students reviewed had either 40 or 50)

Work Experience = 30 (All 14 students reviewed had 25 or 30)

Site visitor reviewed 14 student files (20% of current students)

Acceptance scores ranged from 60 – 120. There is a statement that

students who score below 95 on the PAX can be admitted as a non-degree seeking student for 3 sessions. All but 2 of the 14 students were admitted as non-degree seeking. In the interview section, most received 40 or 50 points, Work Experience most received 20 – 30. All received the 10 for completed application. Even though students received 0 points for PAX or GPA based on the sliding scale, they were still admitted. (emphasis added)

Report of the June 2013 site visit, page 8.

13. In addition, Board member Narwold made the following report concerning the faculty.

SV [site visitor] reviewed documentation that stated all faculty members except one held a minimum of MSN [master of science in nursing], and the one was “pending”. However, SV could not verify this is the case because the transcripts were not available in their files.

The DON [director of nursing] is MSN prepared, but appeared confused regarding the ISBN [Indiana State Board of Nursing] rules and regulations. She stated multiple times, “I was not aware of that”.

Faculty members do not teach in their specialty areas. All of the courses, including the general education courses [,] are taught by the Nursing Faculty. (emphasis added) When a cohort of students enters into the program, approximately every 3 months, the students

are assigned to a faculty member, who teaches the students all 34 courses in a 15 month timeframe. This includes English 1, which is medical terminology. English 2 is documentation. Physics is taught as the "physics" of the renal system, or "physics" of the cardiac system. According to the nursing faculty, they have voiced their concerns to the CEO regarding their ability to teach these courses, but he has been unwilling to change the process.

Report of the June 13 site visit, page 10.

14. In June 2013, Board member Narwold also noted a lack of rigor in the program.

Students must achieve a grade of B in each course to progress. A student may be readmitted into the program 3 times. The syllabi are standardized for each course and are based on a possible 260 points. There are some variations on the syllabi, but the following is a sample of the grading criteria. In the course, 32 of the 260 points are for attendance (12.3% of grade). If a student is late for class, 1 point is deducted. 54% of the grade comes from exams or quizzes. 34% of grade is from homework or subjective assignments. There are also 30 points extra credit offered if the student completes an identified number of NCLEX questions. SV reviewed 3 final exams and 1 quiz. *Of the 100 questions on the finals, maybe 5 were at the application level. The vast majority of all of the questions were at the comprehension/knowledge level. Even though students must*

have a B (3.0) to progress to the next course, the rigor required for a nursing program does not exist. (emphasis added)

Report of the June 2013 site visit, page 19.

15. Board member Narwold summarized her concerns about the program as follows.

- Faculty not qualified to teach general education courses
- Faculty not teaching in their specialty areas. (Teaching all 34 courses to a group of students)
- Minimal clinical facilities providing experiences for students
- No student resources outside internet capability
- Systematic Evaluation Plan needs to be developed
- Lab facilities barely adequate. Need more supplies and technology.
- Exams in all courses SV reviewed were primarily at the knowledge/comprehension level, very few at application level.

Report of the June 2013 site visit, page 22.

16. The surveyor's final recommendation was to "suspend admissions a minimum of 6 months or until ISBN confirms a qualified faculty, including general education faculty, are hired and adequate clinical facilities are available. Conditional Accreditation for 1 year to allow program to achieve NCLEX scores of at least 80%."

Report of the June 2013 site visit, pages 22-23.

17. Mr. Dabney responded to the survey report of June 2013 in writing as well as by making a personal appearance before the Board on September 19, 2013. He informed the Board that he had hired an external consultant, Dr. Fran Roberts, to assist in

improving the program. In addition he hired a new Chair of the Nursing Education Program, Ms. Evelyn Bibbs, R.N. **Letter from Corey Dabney to Elizabeth Kiefner Crawford, Executive Director of the Indiana State Board of Nursing, dated September 10, 2013, page 1.**

18. In responding to concerns raised in the June 2013 survey about qualified faculty, Mr. Dabney submitted in materials forwarded to the Board on September 10, 2013, that:

All faculty teaching didactic nursing courses are prepared at the master's degree level (in nursing) and their transcripts are on file in the nursing administration office. Efforts are underway to assure that nursing faculty teaches [sic] in their areas of expertise.

Six new general education faculty have been added, effective with the newest cohort, to teach the science and English courses. These 6 new faculty members are educated as medical doctors and have experience teaching science courses to nursing students . . .

Letter from Corey Dabney to Elizabeth Kiefner Crawford, Executive Director of the Indiana State Board of Nursing, dated September 10, 2013, page 3.

19. In respect to student resources, Mr. Dabney explained that:

Nursing administration and faculty have compiled an inventory of items to enhance student learning which has been approved at the executive level and have been obtained. Most significantly IDU has

contracted with ATI [Assessment Technologies Institute]² Testing, a comprehensive and adaptive learning system, to ensure student success throughout the nursing education program and in preparation for the NCLEX examination . . . In addition, IDU has contracted with EBSCO Information Services, the sole proprietor of CINAHL [Cumulative Index to Nursing and Allied Health]³ . . .

**Letter from Corey Dabney to Elizabeth Kiefner Crawford,
Executive director of the Indiana State Board of Nursing, dated
September 10, 2013, page 4.**

20. Mr. Dabney also commented on the systematic evaluation plan.

Aggressive efforts are underway to create the IDU Nursing Education Program Systematic Evaluation Program (SEP). Through the leadership of nursing administration and faculty, and the consultative assistance of Dr. Fran Roberts, the SEP will be finalized. Dr. Fran Roberts will be serving as mentor and advisor to the new Director of Nursing Evelyn Bibbs as we move through this process.

**Letter from Corey Dabney to Elizabeth Kiefner Crawford,
Executive Director of the Indiana State Board of Nursing, dated
September 10, 2013, page 4.**

C. SEPTEMBER 2013 BOARD MEETING

² This is a nationwide company that provides products to enhance and evaluate nursing education.

³ CINAHL is a comprehensive research data base that provides full text for nursing and allied health journals

21. After hearing from Mr. Dabney and other representatives of IDU, the Board voted at its September 19, 2013 meeting to continue the school on conditional accreditation but suspend future admissions. It also decided to conduct an unannounced survey in the future to assess IDU's progress. **Minutes from the September 19, 2013, meeting of the Indiana State Board of Nursing, pages 1-2.**

D. NOVEMBER 2013 SITE VISIT

22. The Board conducted the subsequent survey on November 21, 2013. The site visitors were Board members Lynda Narwold, R.N. and Karen Dolk, R.N.

23. The site visitors made the following observations about admissions at IDU.

SVs were able to see a DRAFT DOCUMENT of new Admission criteria. Admission is based on a numerical scale with 55 possible points.

TEAS [Test of Essential Academic Skills]⁴ entrance exam = 30 max
on a sliding scale based on exam results:

30 = Exemplary

20 = Advanced

10 = Proficient

GPA = 15 max based on Science grades that are transferred in from outside schools. If the students have no science grades, then they receive 0 points in this category.

⁴ TEAS covers four areas; Reading, Math, Science and English. The results of this test are used by nursing schools to help predict a person's ability to be successful in nursing school.

In terms of Work experience, the students are given 10 points if they are a LPN [licensed practical nurse] or 5 points for being a CNA [certified nurse assistant].

Scale for admission was: 40 -55 points admitted

30 -39 admitted with stipulations

29 and below Denied Admission

Report of the November 2013 site visit, pages 5-6.

24. The surveyors noted the following about Faculty.

No progress has been made in this area. (emphasis added) The SVs asked to view General Education Faculty files and none were available. SV questioned if the list of faculty were really capable of teaching these courses since one individual graduated from her Bachelors program in 1954. Mr. Dabney had no comment for this question.

There are 4 nursing faculty; 3 FT [full time] and 1 PT [part time].

- The 3 FT are MSN prepared. Of the 3, two received their MSN through Dabney University's 16 month program with all courses taught by Karen Sturges. The 2 faculty started this program on January 6, 2012 and completed the program January 7, 2013. These transcripts were in the faculty files. *The SV question how these individuals could complete a 16 month program in 12 months. Mr. Dabney has previously indicated that Ms. Sturges was deficient in her job as the DON at the program.* (emphasis added)

- The 1 PT Faculty is enrolled in the Dabney University Master's program after being academically dismissed from IWU [Indiana Wesleyan University].

SV reviewed documentation that stated all faculty members except one held a minimum of MSN, and one was "pending". (See Above for concerns related to Faculty qualifications.)

Faculty members are teaching each other's cohort for some lecture areas. There are currently 27 students enrolled into two cohorts.

One Cohort is in Session 3 and the other is in Session 1. Each session is 6 weeks in length. SVs question when the students were admitted that are currently in Session 1. No clear answer was given. The Board previously granted Mr. Dabney a continuance in the site visit process from August 2013 to September 2013 given the fact that he represented no new cohorts were begun after the June 2013 site visit. This appears to be incorrect and the SVs need a written understanding of when each cohort was admitted.

All of the courses, including the general education courses [,] are taught by the Nursing Faculty.

Changes have not been made to any syllabi related to changes in curriculum. Ms. Epps stated they are working with ATI to make the exams more rigorous with application questions instead of knowledge based questions. SVs requested to see examples of tests and none were presented for review. (emphasis added)

Report of the November 2013 site visit, pages 7-8.

25. The surveyors also scrutinized the curriculum.

The current curriculum is divided into eleven 6 – week sessions consisting of 34 courses. There are a total of 96 credits including 480 clinical contact hours. The curriculum is designed to be completed in 15 months. Courses do not transfer to outside institutions, nor do any courses transfer into the program. *All courses are taught by nursing faculty including the general education courses. Systematic Evaluation plan needs to be developed. There is no evidence of student evaluation of courses. No evidence of faculty evaluations.* (emphasis added)

There is no evidence that any of the concerns addressed at the first site visit have been corrected. (emphasis added) There are no newly developed syllabi for future admitted students. SVs requested to see a revised course schedule to determine how and when general education courses were going to be offered. There was no course schedule available. The numbering of courses do not follow a usual

pattern of having 100 level course[s] offered the first year and 200 level courses in the second year. The administrator did not seem to understand that with changing the way the general education courses were offered, there would need to be a revision of the entire curriculum.

Mr. Dabney stated that since the last visit, 7 of the 16 students that graduated have taken the NCLEX and passed. However, the actual pass rates that are available for the first time NCLEX test takers for 2013 reveal the following:

- *1st quarter 2013 31% (4 of 13)*
- *2nd quarter 2013 0% (0 of 7)*
- *3rd quarter of 2013 100% (1 of 1)*
- *2013 to date 5 of 21 for a 23.8% (emphasis added)*

Report of the November 2013 site visit, page 12.

26. The notations about the student's progress through the academic program had not changed since June.

There is no evidence that any of the below [see the observations set out in paragraph 11] have been addressed in the syllabi. Ms. Epps stated that there are changes but SVs could not verify this fact through any of the documentation provided. (emphasis in original)

Report of the November 2013 site visit, page 17.

27. The site visitors summarized their concerns as follows.

Program Concerns:

- Faculty not qualified to teach general education courses
- Faculty not teaching in their specialty areas. (Teaching all 34 courses to a group of students)
- Minimal clinical facilities providing experiences for students. (**Now have 9 which should meet needs**)

- *No student resources outside of internet capability (**Have Purchased CINAHL but students and faculty do not have access.**) (emphasis added)*
- Systematic Evaluation Plan requested by SVs multiple times but not made available
- Have purchased more supplies and technology but faculty have not been trained on how to effectively use the technology and the Vital Sim mannequins were not operational.
- *Exams in all courses SV reviewed were primarily at the knowledge/comprehension level, very few at application level. SVs requested sample exams, but none were made available.*
- *Faculty stated they have been working with ATI to strengthen exams, but SVs could not verify this fact. (emphasis added)*
- Lack of documentation of how input from the consultant has been used to improve curriculum and philosophy.

Report of the November 2013 site visit, page 20.

28. The surveyors concluded their report by making the following

recommendations.

Final Recommendations; Continue Suspension of admissions until ISBN confirms:

- A qualified faculty, including general education faculty [,] are hired and course syllabi have been developed.

- A fully developed curriculum is in place showing the changes after pulling the General Education Course Content out of the Nursing Courses.
- A revised Schedule of classes to show when the General Education courses are offered.
- Evidence of new admission criteria is in place.
- Evidence of faculty and student utilization of VitaSims and CINAHL

Once students are admitted, Conditional Accreditation for 1 year to allow program to achieve NCLEX scores of at least 80%.

Report of the November 2013 site visit, page 21.

29. The Board forwarded the results of the November survey to IDU on December 6, 2013.

30. Overall there was minimal improvement at IDU from June to November 2013. **Testimony of Karen Dolk, pp 4-5**

E. FEBRUARY 2014 HEARING

31. At the February 20, 2014 hearing, IDU presented a written response to the concerns raised in the November 2013 survey.

32. Addressing concerns about IDU's philosophy, missions and objectives, Mr. Dabney maintained that "[t]he Nursing Mission and Philosophy has [sic] been revised by the nursing faculty." **Memo from Corey Dabney to Elizabeth**

Kiefner Crawford dated February 14, 2014, page 1. He presented examples of the minutes of faculty meetings where the curriculum was discussed. **Memo**

from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014, attachment 2. In addition, he claimed that a systematic evaluation plan was implemented in January 2014. **Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014, page 2.**

33. The minutes, however, contain little substantive information and portions of the systematic evaluation plan, which was only instituted in 2014, were still in development. **Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014, attachments 2 and 3.**

34. As far as the organization and administration of the school was concerned, Mr. Dabney submitted that IDU hired a new chair of nursing of the nursing program in July 2013 and had recently retained a new consultant to help the faculty correct deficiencies. **Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014, page 2.**

35. The chair of the nursing program at the time of the February meeting received her master's degree from IDU last year. **Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014, attachment 4.**

36. The consultant, Sue Roe, R.N., is a registered nurse holding licenses in Arizona and California, and is IDU's second out-of-state advisor in about three months. **Letter from Corey Dabney to Elizabeth Kiefner Crawford dated September 10, 2013, page 1 and Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014 page 2. Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014, attachment**

5. She has worked with other schools across the country but is not conversant in Indiana law. **Testimony of Roe, p. 18**

37. At the hearing in February it was revealed that a new nursing faculty member did not have an Indiana license. When IDU realized that was a violation of Board rules (848 IAC 1-2-12(a)(2)), the faculty member was immediately reassigned. **Testimony of Roe, p. 16.**

38. Since June 2013 the list of general education faculty members has changed repeatedly. In September 2013 it included Corey Dabney, Chantal Walker, M.D., Imogene Edwards, Kobie Douglas, M.D., Keith Ramsey, M.D., Roland Walker, M.D. and Sandra Starling. In December 2013 the general education faculty were Corey Dabney, Ronald Walker, M.D., Sandra Starling, Kong-Cheng Wong, William Angelidis, Michele Calvert and Kobie Douglas, M.D. Finally, in February 2014 the general education faculty were presented as being Corey Dabney, Sandra Starling, Roland Walker, M.D., Kong-Cheng Wong and Hae Jung Lee. **Letter from Corey Dabney to Elizabeth Kiefner Crawford dated September 10, 2013 page attachment A; Letter from Corey Dabney to Lynda Narwold, R.N. dated December 4, 2013 chapter 2; Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014, attachment 7.**

39. During the February hearing Ms. Bibbs testified that nursing faculty were not teaching general education courses. **Testimony of Bibbs, p.**

25. The onsite surveys revealed, however, that the nurses on the faculty were still teaching outside their areas of expertise. **Report of the June 13 site visit, page 10 and Report of the November 2013 site visit, page 12.** And during

the November site visit, the nursing faculty stated they had not been aware of general education faculty hires. **Testimony of Dolk, p. 5.**

40. In addition, although course and faculty evaluations have either recently been implemented or are in development, it is noteworthy that these basic components of an education program did not come into use until January 2014, a month before the hearing. **Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014, attachment 10.**

41. IDU presented the latest version of its admissions standard, however, it is simply a list of criteria such as test scores, interviews, experience, etc. **Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014, attachment 6.** The new standards do not identify what values it assigns to those criteria. In other words, there is no indication of how much value is assigned to experience or an interview as opposed to grades or an entrance exam. As a consequence, therefore, the standards impede thoughtful evaluation. They were very vague, inconsistent and not communicated well. **Testimony of Karen Dolk, pp. 5-6**

42. At the hearing, IDU was able to show that it has invested in educational supplies and technology. **Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014, attachments 12 and 15.** Ms. Bibbs also testified that the faculty is more proficient with the simulation mannequins and that CINAHL is available to all faculty and students. **Testimony of Evelyn Bibbs, p. 30.**

43. The Board was also assured that ATI testing was being integrated into the exam process. **Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014, page 4 and attachment 10.** However, upon further investigation, none of the representatives from IDU could explain how the ATI was being integrated into the testing, nor what the remediation measures were. Also, when questioned about the scoring needed, IDU was not able to explain the levels of proficiency given on each test. Nor could IDU explain how or why admission percentages were assigned based on the proficiencies. **Testimony of Dolk, p. 29**

44. During the November site visit the surveyors asked repeatedly for copies of exams but they were not provided. **Testimony of Dolk, p. 5, 12, 13; Testimony of Narwold, p. 7, 10, 13.**

45. At the hearing representatives of IDU maintained that they did have old exams, but after questioning during the February hearing it became apparent that they were simply referring to their access to the ATI test bank. **Testimony of Geneva Epps, p. 12.**

G. GENERAL OBSERVATIONS

46. Since 2008 when the program began, representatives of IDU have been before the Board on no less than three occasions.

47. As the pass rate of IDU graduates on the NCLEX continued to drop, the Board placed IDU on a plan of correction in 2011. **Plan of Action Statement to increase NCLEX Pass Rates dated December 2011.**

48. In the Plan of Action, IDU's stated goal was to increase NCLEX pass rates to 80%. **Plan of Action Statement to increase NCLEX Pass Rates dated December 2011, passim.** While on conditional accreditation, however, the pass rates deteriorated further.

49. In an effort to assess the quality of education at IDU, the Board made two site visits to the campus in 2013 and discovered numerous critical deficiencies which have never been adequately addressed.

50. The admission criteria is vague and in a state of flux.

51. Half the nursing faculty (Ms. Epps, R.N. and Ms. Bibbs, R.N.) only received their masters degrees from IDU in two-thirds the time it should take to earn such a degree. At the time of both surveys a third faculty member's masters degree (also from IDU) was "pending". Finally the survey reports showed that the nursing faculty continues to teach outside their areas of expertise. **Report of the November 2013 site visit, pages 7 and 8.**

52. Despite repeated requests, IDU could never produce sample exams or explain how the ATI was being integrated into testing.

53. Its systematic evaluation plan is still in development, and the minutes of faculty meetings are deficient. **Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014 attachments 2 and 3.**

54. Essentially the institution exhibits no sense of direction. The school has recently hired its second consultant in less than three months. **Letter from Corey Dabney to Elizabeth Kiefner Crawford dated September 10, 2013,**

page 1 and Memo from Corey Dabney to Elizabeth Kiefner Crawford dated February 14, 2014 page 2.

55. The site visits and the pass rates on the NCLEX paint a clear picture of failure by the IDU faculty and staff to educate its students.

FINDINGS OF ULTIMATE FACT

1. A nursing school is legally obliged to have a published policy of admission established by the nursing faculty, and students are to be admitted based on established criteria. 848 IAC 1-2-11. IDU has not met this standard. In the June 2013 survey the site visitor reviewed the files of 14 (20% of the student body) students. Of those 14, 12 were admitted as non-degree seeking students because they did not meet basic entrance criteria. Even students who scored zero on the entrance exam and the grade point average scales were admitted based only on the strength of their interview and work experience.

2. During the November 2013 survey the site visitors were given a draft admission policy. And then in the response to the November survey, IDU submitted yet another admission policy. The latter policy was admitted at the hearing in February as well. The new standards, however, do not identify what values it assigns to admission criteria. In other words, there is no indication how much value is assigned to experience or an interview as opposed to grades or an entrance exam. As a consequence, therefore, the standards are not standards at all.

3. A nursing school must have a qualified faculty. 848 IAC 1-2-12 & 13. But IDU's faculty is not qualified. The three full-time nurse faculty members have masters degrees as required by the Board's rules. But two of the faculty were awarded their masters degrees from IDU in January 2013 after completing a

16 month program in 12 months. *All* the courses were taught by the former director of nursing at IDU.

4. In addition, a part-time nursing faculty member's masters degree from IDU was "pending" at the time of both survey visits. This same individual was academically dismissed from Indiana Wesleyan University.

5. Finally, the faculty is not qualified to teach some of the courses they are teaching. Despite Mr. Dabney's and Ms. Bibbs' assurances to the contrary, both survey reports show that nursing faculty were teaching non-nursing courses.

6. A nursing school must have a curriculum "which ensures that each graduate meets the minimal qualifications essential for safety to practice as a licensed nurse." 848 IAC 1-2-16. But IDU's academic program is not rigorous enough to train qualified nurses. Grading is based on exams that are almost exclusively knowledge based as opposed to application based, and although IDU claimed the quality of the tests was improving, it could not produce any examples of those exams during the November survey or the hearing.

7. Perhaps even more importantly, the failure rate of IDU graduates on the NCLEX has only worsened over time. The NCLEX pass rate is a basic indicator of a

school's performance. 848 IAC 1-2-5. Since the inception of the IDU program, the NCLEX pass rates have been as follows. 2008 – 40%; 2009 – 43.48%; 2010 – 42.9%; 2011 – 45%; 2012 – 24.2% and 2013 – 32%.⁵

8. During the November 2013 survey Mr. Dabney told the site visitors that since the survey in June, 7 of 16 graduates had passed the NCLEX. But in fact only 5 of 21

⁵ This pass rate reflects all IDU students who took the NCLEX for the first time in 2013.

(23.8%) graduates at the time of the November 2013 site visit passed the NCLEX the first time they took it.

9. A nursing school needs to have a "systematic written plan for evaluation". The plan must include, at a minimum, student evaluation of courses, instructor evaluation of students, and pass rates on the licensure examination. 848 IAC 1-2-16. In June 2013 IDU had no such plan. In his response to the June survey, Mr. Dabney maintained that "aggressive efforts were underway" to create one. But the plan was not made available at the November survey despite multiple requests from the site visitors and the one produced at the February hearing was incomplete.

CONCLUSIONS OF LAW

1. The Board is charged with accrediting schools of nursing. In conjunction with the responsibility of accrediting schools, the Board must survey all nursing education programs in the state. Ind. Code § 25 -23-1-21; 848 IAC 1-2.

2. As part of that survey process,

If the board determines that any accredited nursing education program is not maintaining the standards required by the statutes and by the board, notice in writing specifying the defect or defects shall be immediately given to the nursing education program. A nursing education program which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of accredited nursing education programs.

Ind. Code § 25-23-1-21(b).

3. The pass rate on the NCLEX is an indicator of a school's academic performance.

(b) Full accreditation shall be granted to a program following the initial accreditation, providing it meets the following regulations for Indiana accredited programs in nursing:

(1) Criteria indicating a program's successful attainment of state standards shall include the rate of successful completion of the National Council Licensure Examination (NCLEX). If a program's annual rate of successful completion of the NCLEX

is lower than one (1) standard deviation below the average national pass rate for first time U.S. educated and U.S. territory candidates for three (3) consecutive years, the program shall submit a report to the board outlining the following:

(A) Results of the faculty's review of factors that may have contributed to the low pass rate, including, but not limited to, the following:

(i) Curriculum content.

(ii) Curriculum design.

(iii) Outcome evaluation.

(iv) Admission policies.

(v) Progression policies.

(vi) Graduation policies and annual number of graduates for the period in question.

(vii) Factors of graduate performance documented by faculty to be outside the control of the program.

(B) The faculty's plan for correction with identified implementation dates and expected levels of achievement for any identified problems as result of evaluation.

(2) If the program's next annual rate of successful completion of the NCLEX is lower than one (1) standard deviation below the average national pass rate for first time U.S. educated and U.S. territory candidates, the board shall send a surveyor to review the program's ability to comply with this article. After review of the survey visit report and a meeting with the program representatives, the board shall determine the accreditation status.

848 IAC 1-2-5(b).

4. "Conditional accreditation shall be granted to a program that fails to maintain the legal requirements for accreditation. Written notification from the board shall specify requirements to be met in order to comply with accreditation standards and a definite amount of time that will be given for the program to meet this article." 848 IAC 1-2-5(c).

5. "The program shall be revisited by a representative of the board or a survey visitor appointed by board, or both, and be given an opportunity for a hearing before accreditation is withdrawn. Withdrawal of accreditation may occur if the program, which has been placed on conditional accreditation, fails to prove compliance with IC 25-23, this title, and any additional requirements imposed by the board." 848 IAC 1-2-5(d)

6. All nursing schools must meet the following admission standards which are relevant to the pending matter.

(a) There shall be published policies for admission established by the nursing faculty.

(b) Students shall be selected on the basis of established criteria and in compliance with all applicable state and federal laws.

...

(d) The number of students admitted to a nursing education program shall be determined by the following:

(1) The number of qualified faculty.

(2) The availability of the following:

(A) Adequate educational facilities and resources.

(B) Appropriate clinical learning activities.

848 IAC 1-2-11

7. The relevant portions of the regulatory standard for faculty are as follows.

(a) The program in nursing shall provide and maintain a qualified faculty. The general qualifications for all nurse faculty members shall include the following:

(1) Graduation from an approved program of nursing accepted by the board.

(2) Current, unencumbered registered nurse licensed in Indiana.

...

(c) Faculty, other than registered nurses, who teach nonclinical nursing courses . . .

shall hold master's degrees in areas appropriate to the responsibilities inherent in the position

848 IAC 1-2-12

8. Faculty must have the following qualifications.

(a) The director shall be a registered nurse with a minimum of a master's degree in nursing and be employed fulltime, excluding vacations and holidays, during the enrollment period of the students.

...

(b) The nurse faculty member shall have experience in the practice of nursing and hold a master's degree. The majority of the faculty shall hold master's degrees with majors in nursing. The remainder of the faculty shall hold master's degrees in a field appropriate to their teaching or clinical responsibilities. . . .

848 IAC 1-2-13

9. Among other things, the curriculum must contain the elements set out below.

(a) The:

- (1) development;
- (2) implementation;
- (3) evaluation; and
- (4) revision;

of the curriculum shall be the responsibility of the nursing faculty and shall be based on the stated philosophy and objectives of the program.

(b) The program shall provide an opportunity for the student to learn:

- (1) facts;
- (2) principles;
- (3) concepts; and
- (4) skills;

which ensure that each graduate meets the minimal qualifications essential for safety to practice as a licensed nurse.

(k) There shall be a systematic written plan for program evaluation that is ongoing according to the time frame specified by the faculty. The findings from the systematic evaluation shall be used for development, maintenance, and revision of the program components. The written plan shall include, but is not limited to, the following:

- (1) Philosophy, mission, and objectives of the nursing education program.
- (2) Expected knowledge, skills, and abilities of the graduates.
- (3) Teaching and learning experiences.
- (4) Student evaluation of courses.

- (5) Instructor evaluation of students.
- (6) Pass rates on licensure examination.
- (7) Follow-up studies of graduates' evaluation of the program of learning.
- (8) Employment performance of graduates.

848 IAC 1-2-16

ORDER

Based upon the foregoing Findings of Fact, Findings of Ultimate Fact, and Conclusions of Law, the Board issues the following Order:

The accreditation for Indiana Dabney University's registered nursing program is
WITHDRAWN.

SO ORDERED, this 11th day of July, 2014.

INDIANA STATE BOARD OF NURSING

By: _____

Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Findings of Fact, Findings of Ultimate Fact, Conclusions of Law and Order" has been duly served upon:

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Explanation of Service Methods

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

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